उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक ..... सन् 200

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अंतिम आदेश

M.A. NO. 1132/2005

APPELLANT CLAIMANT : Chinilal, S/o Bikul Rajwar, aged about 30 years, Occupation – Agriculture & Business, R/o Village Girwarganj, P.S. & Tah Surajpur, Distt. Surguja (C.G.)

VERSUS

RESPONDENT NON CLAIMANT 1. Nashir Khan @ Jahiruddin Khan, S/o Sarfuddin Aged about 28 years Occupation Driver, R/o. Bada Bazar, Chirmiri, P.S. Chirmiri, Tahsil Manendragarh, District Koriya (C.G.)

OWNER 2. Hajari Lal Sahu, S/o. Shukhlal Sahu, Aged about 35 years, Occupation Business, R/o. village Premnagar, Tahsil Surajpur, District Surguja (C.G.)

INSURER 3. United India Insurance Company Limited, Through Branch Manager, Branch Office, Near Rammandir, Ambikapur, Distt. Surguja (C.G.)

Present:
Shri A.K. Shukla, counsel for the appellant.
Shri Suresh Verma, counsel for the respondents No. 2.
Shri Dashrath Gupta, counsel for the respondent No. 3/Insurer.

JUDGMENT
(17th July 2007)

Dhirendra Mishra, J

The appellant has preferred this appeal for enhancement of award as only a sum of Rs. 1,000/- has been awarded as

GRPRJ — FS/246— 2/2007 — 50,000.

मामला क्रमांक ..... सन् 200

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अंतिम आदेश

compensation by learned claims Tribunal in claim case No. 42/2003.

From perusal of impugned award and particularly the injury report of the appellant, it appears that the appellant has sustained swelling on left arm and abrasion over left leg. Considering the injuries sustained by the appellant which are minor in nature, learned claims Tribunal has awarded Rs.1,000/- towards compensation as except the injury report no other evidence was produced by the appellant/claimant before the Tribunal.

Learned counsel for the appellant submits that it is a too meager amount and in the facts and circumstances of the case, adequate compensation ought to have been awarded.

On the other hand, learned counsel for the respondents No. 2 & 3 support the impugned judgment.

Taking into consideration the fact that the appellant was prosecuting the claim petition before the claims Tribunal and no effort was made to compensate the appellant by the owner at the time of accident, this Court is of the opinion that it would be just and proper if the amount awarded is enhanced to Rs.5,000/-. Accordingly, the appeal is allowed. In place of Rs.1,000/-, the appellant/claimant is awarded Rs. 5,000/- with interest at the rate of 7% per annum from the date of application.

Sd/-
Dhirendra Mishra
Judge

GRPRJ — FS/246— 2/2007 — 50,000.